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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Malcom B. Strandberg  
Serial No. : 09/057,749  
Filed : April 09, 1998  
For : SYSTEM AND METHOD FOR PROVIDING AN  
AUTOMATIC TELEPHONE CALL BACK TO  
A TELEPHONE LINE BEING USED TO ACCESS  
A COMPUTER NETWORK  
Attorney's Docket : DAVOX-144XX  
Examiner :  
Group Art Unit : 2642

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on 2/26/2002.

By

  
R. Anthony Diehl  
Registration No. 38,432  
Attorney for Applicant(s)

DECLARATION UNDER 37 CFR 1.132  
OF MALCOM B. STRANDBERG

**RECEIVED**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

MAR 12 2002

Technology Center 2600

Sir:

I, Malcom B. Strandberg, hereby declare that:

1. I am the inventor of the SYSTEM AND METHOD FOR PROVIDING AN AUTOMATIC TELEPHONE CALL BACK TO A TELEPHONE LINE BEING USED TO ACCESS A COMPUTER NETWORK, which is the subject of the above-identified patent application Serial No. 09/057,749.
2. I graduated from Harvard University with B.A. Engineering and

In re: Malcom B. Strandberg et al.

Filed: April 9, 1998

Serial No.: 09/057,749

Page 2

Applied Physics in 1973. Since then I have worked in the telecommunications field for companies including COM DEV Inc (1978-82) developing PBX message detail recorders, Voice Computer Technology (1982-89) developing voice response units, and DAVOX Corporation (1989 - present ) developing call center software and telecommunications equipment. I am currently Director, Advanced Development at Davox Corporation, the assignee of the subject patent application.

3. I have reviewed all of the references cited by the examiner in the office action mailed 01/30/2001, namely USP 5,884,032 (hereinafter "Bateman"), USP 5,185,782 (hereinafter "Srinivasan"), USP 5,436,965 (hereinafter "Grossman") and USP 4,748,511 (hereinafter "Nichols").
4. Whether considered alone or together, Bateman, Srinivasan, Grossman and Nichols do not identify, let alone address, the problem that is solved by the present invention.
5. The problem solved by the present invention is how best to connect a telephone call to an inquiring party using a telephone line when the inquiring party has prompted the call by accessing a computer network using said telephone line.

For example, using a computer equipped with a dial-up modem, an inquiring party might visit a company website on the World Wide Web ("WWW"). During such visit the inquiring party might request that a representative of the company contact the inquiring party. However, since the inquiring party is using his telephone line to access the WWW, said telephone line is not available for the company to use to connect the return call, i.e., the line is busy. The present invention is based upon the recognition that the best time to respond to the inquiring party's request is immediately and further that the inquiring party's telephone line will be busy until he has ended his modem's connection to the network over the telephone line. Accordingly, the systems and methods of the present invention immediately redial the inquiring party's telephone number when a busy signal is detected so as to connect the call as soon as possible after the inquiring party has ended his modem's connection to the network over the telephone line.

6. By contrast, Bateman concerns a system for allowing a call center agent and a customer to simultaneously talk on the telephone and view information available on a computer network over a telephone line and separate second network connection.

As a result, in the Bateman system, the call center agent would never call the customer back on the same line that the customer was using to access information on the computer network because doing so would completely frustrate the purpose of the invention of Bateman, which is to allow the customer and the agent to simultaneously talk on the telephone and access information on the computer network. As a result, Bateman not only fails to teach or suggest the solution to the problem embodied in the present invention, but Bateman does not contain even the slightest recognition of the problem addressed by the present invention.

7. As noted by the examiner, Grossman concerns methods and systems for optimizing telephone contact campaigns. But nothing in Grossman has anything to do with identifying the best time to contact an inquiring party who has requested a callback by accessing a computer network over a telephone line. Thus, Grossman contains no recognition of the problem addressed by the present, let alone its solution.
8. Srinivasan concerns an automatic callback arrangement for automatically returning a call at a time specified by the

original caller. The systems and methods of Srinivasan, however, only concern connecting calls to parties who have requested callbacks by using the telephone. Srinivasan contains no teaching about how to connect a call to a party who has requested a callback while using a telephone line to connect to a computer network. While there might appear to be some superficial similarity in the circumstances, in fact, the problems raised by each scenario are completely different. The user who requests a callback by telephone (as described by Srinivasan) would most likely hang-up the phone immediately after requesting the callback thereby making the line immediately available. By contrast, an inquiring party using a computer connected to a network is very likely to continue using the line to access additional information on the network after requesting a callback. Thus, Srinivasan, like Bateman and Grossman, does not address a similar problem to that addressed by the present invention and, therefore, fails to recognize the problem solved by the present invention, let alone its solution.

9. Finally, Nichols concerns a teleradiology system, and is apparently only cited by the examiner with respect to the

immediate re-dial feature of the modem described therein. In particular, Nichols discloses a modem that makes three immediately consecutive attempts to connect before "giving-up." To the extent this is relevant at all to the present invention, it really tends to lead one away from it because while it teaches immediately redialing the number, it also teaches "giving-up" after a relatively brief period. Clearly, Nichols does not recognize the problem solved by the present invention. Nor does Nichols provide a solution since the system of Nichols, even if viewed in the context of connecting a telephone callback as opposed to connecting a modem, would fail to make a connection if the inquiring party stays connected to the computer network for a period of time longer than the brief period it takes for a modem to dial a number and sense a busy signal 3 times in a row.

10. In summary, the cited references (Bateman, Grossman, Srinivasan and Nichols) each address problems very different from one another and from the problem of connecting a telephone call over a telephone line to an inquiring party that has requested a callback by connecting to a network over the same telephone line. As a result, one of ordinary skill

In re: Malcom B. Strandberg et al.

Filed: April 9, 1998

Serial No.: 09/057,749

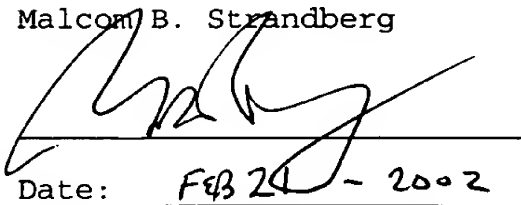
Page 7

in the art would find no motivation to combine these references in any manner, let alone in a manner that would yield the present invention.

11. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and that the foregoing statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that my willful false statements or the like may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Respectfully submitted,

Malcom B. Strandberg



Date: FEB 24 - 2002